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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/508,849	03/17/2000	SHIGEKAZU NAGATA	1110-266PCT	5291	
2292	7590 08/26/2003				
BIRCH STEWART KOLASCH & BIRCH			EXAMINER		
PO BOX 747 FALLS CHURCH, VA 22040-0747			HARRIS, ALANA M		
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			1642	17	
			DATE MAIL ED: 09/26/2002	DATE MAIL ED: 09/26/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application Application							
## Examiner Art Unit Alana M. Harris, Ph.D. 1642 - The MAILING DATE of this communication appears on the c. ver sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ■ Eleanous of ten may be available under the postulous of 37 CFR 1 134(s). In no event, however, may analy be timely filled ■ If the period to realy is pecified above, the nearbour states of 37 CFR 1 134(s). In no event, however, may a naph be timely filled ■ If the period to realy is pecified above, the nearbour states or period will apply and will expire \$3.4 (s) MoNT It's from the mailing date of this communication real parent some discribed by the Citics lites the three motions are the three motions are the mailing date of this communication, even if threely filled, may neduce any search parent some discribed by the Citics lites the three motions are the three motions are the mailing date of this communication, even if threely filled, may neduce any search parent some discribed by the Citics lites the three motions are the three motions are the mailing date of this communication, even if threely filled, may neduce any search parent some discribed by the Citics lites the three motions are the three motions are the mailing date of this communication, even if threely filled, may neduce any search parent some discribed by the Citics lites and parent parent some discribed to a search parent parent some discribed to a search parent parent parent some discribed and search parent p		Application No.	Applicant(s)				
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2a) This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 2-6 and 8-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 2-5 and 8-12 is/are allowed. 6) Claim(s) 2-5 and 8-12 is/are allowed. 6) Claim(s) 3 is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: al□ accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) opproved b) disapproved by the Examiner. 12 The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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DETAILED ACTION

Response to Arguments and Amendments

- 1. Claims 2-6 and 8-12 are pending.
 - Claims 2, 3, 5, 6 and 8-12 have been amended.
 - Claims 2-6 and 8-12 are examined on the merits.
- 2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Withdrawn Rejections

Claim Rejections - 35 USC § 112

- 3. The rejection of claims 2, 3, 6 and 10-12 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention is withdrawn.
- 4. The rejection of claims 8 and 9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn.

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New Grounds of Rejection

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (International Immunology 6(10): 1567-1574, 1994). Takahasi discloses an amino acid sequence represented from Gln of the 130th amino acid to C terminal amino acid residue as measure from N-terminal end of natural human Fas ligand, SEQ ID NO: 17, see attached database sheets. This disclosed protein is a soluble Fas ligand, which inhibits Fas-mediated apoptosis.
- 7. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Mita et al. (Biochemical and Biophysical Research Communications 204(2): 468-474, October 28, 1994). Mita discloses an amino acid sequence represented from Gln of the 130th amino acid to C terminal amino acid residue as measure from N-terminal end of natural human Fas ligand, SEQ ID NO: 17, see attached database sheets. This disclosed protein is a soluble Fas ligand, which inhibits Fas-mediated apoptosis.

Allowable Subject Matter

8. Claims 2-5 and 8-12 are allowed.

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Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alana M. Harris, Ph.D. whose telephone number is (703) 306-5880. The examiner can normally be reached on 7:00 am to 4:30 pm, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, Ph.D. can be reached on (703) 308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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308-4315 for regular communications and (703) 308-4315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

PATENT EXAMINER

Alana M. Harris, Ph.D.

August 12, 2003

ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1653